

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MICHAEL AVENATTI,

Defendant.

(S1) 19 Cr. 373 (PGG)

JURY QUESTIONNAIRE

January 27, 2020

JUROR NAME: _____
JUROR NUMBER: _____



JUROR NAME: [REDACTED]
JUROR NUMBER: [REDACTED]

TO THE PROSPECTIVE JUROR:

The purpose of this questionnaire is to provide information to the judge, the prosecutors, defense counsel, and the Defendant to assist them in determining whether you can be a fair and impartial juror in this case. You must give true and complete answers to every question.

Do not discuss the questions or answers with anyone, including your fellow prospective jurors. It is extremely important that your answers be your own answers and not influenced by those around you. During the jury selection process, it is critically important that you not read anything about the case, that you not discuss it with anyone, that you not let anyone talk to you about the case, and that you do not do any research about the case on the Internet or anywhere else. If you are selected for the jury, I will have more instructions for you later on this topic.

If you wish your answers to remain confidential and that they not go beyond the judge, counsel, and the Defendant – because the answers will subject you to embarrassment – please so indicate at the end of the questionnaire.

Please enter your name and juror number on the front page of the questionnaire and at the top of each page.

INTRODUCTION

NATURE OF CASE:

We are choosing jurors for a criminal case that involves charges of extortion and honest services wire fraud.

The Defendant, Michael Avenatti, is a lawyer and a member of the California Bar. I expect that there will be evidence that in March 2019, one of Avenatti's clients told him that certain employees of Nike, Inc. – the athletic apparel company – had made illicit payments to the families of certain highly ranked high school basketball prospects. This case is about certain communications between Mr. Avenatti and representatives of Nike about the client's allegations.

The Indictment contains three charges or "counts" against Mr. Avenatti.

Count One charges Mr. Avenatti with transmitting interstate communications with intent to extort. The Government claims that Mr. Avenatti transmitted in interstate commerce threats to cause financial harm to Nike, Inc. and its reputation if Nike did not agree to make multimillion dollar payments to Avenatti.

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Count Two charges Mr. Avenatti with attempted extortion. The Government claims that Mr. Avenatti attempted to extort Nike by threatening economic and reputational harm to Nike if it did not make multimillion dollar payments to Avenatti.

Count Three charges Mr. Avenatti with honest services wire fraud. The Government claims that Mr. Avenatti, who is a lawyer, engaged in a scheme to defraud one of his clients of that client's right to Mr. Avenatti's honest services. According to the Government, Mr. Avenatti used confidential information supplied by his client to demand that Nike pay Mr. Avenatti millions of dollars, and did so without his client's knowledge and to his client's detriment.

The charges in the Indictment are merely allegations. They are proof of nothing.

Mr. Avenatti has pleaded not guilty to these charges. He is presumed innocent, and before he can be found guilty on any charge, the jury must conclude that the Government has proven each element of that crime beyond a reasonable doubt.

This questionnaire asks, among other things, whether you have read, seen, or heard anything about Mr. Avenatti, or the charges against him, and whether you will follow the Court's instruction to decide this case based solely on the evidence that will be presented here in court.

It is vitally important that the jury's verdict be based solely on the evidence received in the courtroom, and not on what might have been written or said in the press about Mr. Avenatti. Nothing that has been said or written in the press about Mr. Avenatti matters at all for purposes of this trial. In our country, we don't try people in the press. Instead, we rely on people like you to listen carefully to the evidence presented in the courtroom and the judge's instructions on the law, and then come to a verdict based solely on that evidence and that law.

The questionnaire also provides information concerning the length and schedule for the trial, and asks whether the length of or schedule for the trial would prevent you from serving as a juror. Please keep in mind that jury service is one of the most important obligations of being an American citizen, and that all jury service involves some inconvenience.

Please print your answers to the following questions in black ink. Where indicated, please check the space for "Yes" or "No" and, as requested, furnish answers, explanations or details in the space provided. Please don't leave any question unanswered. You must provide full and accurate information in response to each question.

If you don't understand any question, please write, "I don't understand."

Please do not write on the back of any page of the questionnaire.

JUROR NAME: _____
JUROR NUMBER: _____

Please do not leave the room with the questionnaire. If you need to use the restroom, hand the questionnaire to one of the clerks and retrieve it upon your return.

Please write your name and juror number at the top of each page of the questionnaire. Don't forget to sign the questionnaire at the end.

Thank you for your service. Once you complete this questionnaire, you are free to leave for the day. You must report again tomorrow at 9:30 a.m. to this courtroom.

QUESTIONS

1. This trial is expected to last about two and a half weeks. We will sit five days a week, from 9:30 a.m. to 5:00 p.m. Is there anything that would prevent you from serving as a juror for that period of time? Yes No

If yes: Please explain what would prevent you from serving as a juror for that period of time.

2. Have you heard, read, or seen anything – whether from newspapers, television, radio, the internet, social media, friends, family, or any other source – regarding Michael Avenatti and any criminal charges pending against him? Yes No

If yes: What generally have you heard, read, or seen and what is the source of your information?

A large black rectangular redaction box covers the top portion of the page. A thin black line runs vertically along the left edge of this redaction, extending from the top to the bottom of the page. The rest of the page is white with no other content.

JUROR NAME:

JUROR NUMBER

3. In light of what you may have read, seen, or heard about Mr. Avenatti, would you be able to follow the Court's instruction to put any such information completely out of your mind and decide this case based solely on the evidence presented at trial? Yes No

If no, please explain:

JUROR NAME: _____
JUROR NUMBER: _____

4. Is there anything about the nature of the charges in this case, or the alleged factual circumstances, that would make it difficult for you to be a fair and impartial juror?
____ Yes No

If yes, please explain:

5. If you are chosen to serve as a juror in this case, the Court will order you not to read, listen to, or watch any accounts of this case reported on television, the radio, over the Internet or social media, or anywhere else. Jurors are also not allowed to do any research regarding this case, whether over the Internet, on social media or in any other manner. The case must be decided solely on the basis of the evidence presented in the courtroom. Would you have any difficulty following these rules, which are binding on every juror? _____.

Yes | No

If yes, please explain:

JUROR NAME: _____
JUROR NUMBER: _____

6. Do you request that the Court maintain your answers to this questionnaire as confidential? _____ Yes _____ No

DECLARATION:

I, _____ declare under penalty of perjury that the foregoing answers set forth in this Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others or received assistance in completing the questionnaire.

Signed this _____ day of January, 2020

